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File ACT/007/007 #5

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office:

O.S.M.

625 Silver SW, Suite 310

Albuquerque, NM 87102

Telephone Number: 505-766-1486

Number: X - 92 - 02 - 370 - 001 TV 2

Ten-Day Notice to the State of

Utah

You are notified that, as a result of federal inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: Sunnyside Coal Co.
(Or Operator if No Permit)

County: CarbonMailing Address: P.O. Box 99, Sunnyside, UT 84539Permit Number: ACT/007/007Mine Name: Sunnyside☐ Surface☒ Underground☐ Other

NATURE OF VIOLATION AND LOCATION: Failure to contemporaneously reclaim the coarse refuse pile. This applies from the level of the second terrace (counted from the bottom of the pile up) to the level of the fifth terrace.

Section of State Law, Regulation or Permit R645-300-143
Condition believed to have been violated: R645-301-352 + 553.252

NATURE OF VIOLATION AND LOCATION: Failure to properly design and construct unponding structures constructed of coal mine waste. East and West Slurry Cells.

R645-301-746.311
R645-301-743.100

Section of State Law, Regulation or Permit R645-301-746.312
Condition believed to have been violated: R645-301-746.340

NATURE OF VIOLATION AND LOCATION:

RECEIVED

Section of State Law, Regulation or Permit
Condition believed to have been violated:

MAR 26 1992

Remarks or Recommendations:

DIVISION OF
OIL GAS & MINING

Date of Notice: 3/17/92Signature of Authorized Rep.: Michael S. RollinsPrint Name and ID: Michael S. Rollins 370

cert receipt
P 965-799 119

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

For Office Use Only

1a Y Y M M	1b Batch	1c Report
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2. Name of Permittee

SUNNYSIDE COAL CO

3. Street Address

PO BOX 99

4. City

SUNNYSIDE

5. State

UT

6. Zip Code

84539

7. Area Code

801

8. Telephone Number

800-4421

9. MSHA Number

42-00094-

10. Date of Inspection (Y Y M M D D)

920313

11. State Permit Number

ACT/007/007

12. Name of Mine

SUNNYSIDE

13. County Code

007 UT

14. State Code

UT

15. Strata

16. State Area Office

17. OSM Field Office No.

02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)

P

21. Joint Inspection Yes No

X

22. Inspector's ID No.

370

23. Status

A 01

Type of Permit

B A

Mine Status (Code)

C 20

Type of Facility (Code)

D 14475.0

Number of Permitted Acres

E 00310.0

Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A ☐

Steep Slope

E ☐

Anthracite

B ☐

Mountain Top Removal

F ☒

Federal Lands

C ☐

Prime Farmlands

G ☐

Indian Lands

D ☐

Alluvial Valley Floors

H ☐

Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3, provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area Standards That Assure Reclamation Quality and Timeliness

A ☐

Distance Prohibitions

M ☐

Topsoil Handling

B ☐

Mining Within Permit Boundaries

N ☐

Backfilling and Grading

C 1

Signs and Markers

O ☐

Following Reclamation Schedule

D 1

Sediment Control Measures

P ☐

Revegetation Requirements

E ☐

Design and Certification Requirements—Sediment Control

Q ☐

Disposal of Excess Spoil

F 1

Effluent Limits

R ☐

Handling of Acid or Toxic Materials

G 1

Surface Water Monitoring

S ☐

Highwall Elimination

H 1

Ground Water Monitoring

T ☐

Downslope Spoil Disposal

I ☐

Blasting Procedures

U ☐

Post Mining Land Use

J ☐

Haul/Access Road Design and Maintenance

V ☐

Cessation of Operations: Temporary

K 2

Refuse Impoundments

W ☒Other Confidenceous Red.L ☐

Other: Specify

**United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report**

26. State Permit Number

ACT/1007/007

27. Date of Inspection
(Y Y M M D D)

920313

28. Yes ☐ No ☒ Do mining and reclamation activities on the site comply with the plans in the permit?
If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. ☐ Number of Completes29b. ☐ Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. ☐ Number of Completes30b. ☐ Number of Partials

31. Has inspection frequency been met?

Yes No

Yes No

31a. ☐ Completes31b. ☐ Partials

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

Violation Codes

92-02-370-001

A ☐B ☐C ☐D ☐E ☐F ☒G ☐H ☒I ☐J ☐K ☐L ☐M ☐N ☐O ☐P ☐Q ☐R ☐S ☐T ☐U ☐

Authorizations to Operate

Signs and Markers

Backfilling and Grading

Highwall Elimination

Rills and Gullies

Improper Fills

Topsoil Handling

~~Sediment~~ Ponds

Effluent Limits

Water Monitoring

Buffer Zones

Roads

Dams

Blasting

Revegetation

Spoil on the Downslope

Mining Without Permit

Exceeding Permit Limits

Distance Prohibitions

Toxic Materials

Other Violations

33. Name of Authorized Representative (print or type)

Signature of Authorized Representative

Date

3/17/92

Signature of Reviewing Official

Date

3/20/92

34. Administrative Information

a ☐ Permit Review (Hours)b ☐ Travel Time (Hours)c ☐ Inspection Time (Hours)d ☐ Report Writing Time (Hours)

Sunnyside Coal Co. (SCC)
P.O. Box 99
Sunnyside, UT 84539
801-888-4421

Sunnyside Mine
ACT/007/007

Partial inspection
3/13/92

Mitchell S. Rollings, 370, OSM
Henry Sauer, DOGM
Karl Houskeeper, SCC
Gary Gray, SCC

This was a partial oversight inspection. The number and nature of the violations observed limited the time available for an inspection and as a result SCC and DOGM estimated that we only saw about ten percent of the mine. The areas that we inspected or partially inspected were the Coarse Refuse Pile (CRP), the slurry impoundments, Water Canyon portal area (reclaimed), and the Fan Canyon portal area.

ENFORCEMENT ACTIONS

DOGM issued four Notice of Violations (NOV). NOV 92-32-2-1 cites R645-301-553.100 and 553.130. This NOV was issued to address a sinkhole that had formed in Water Canyon. The portals on the SE side of the disturbed area in this canyon ran parallel to the canyon bottom and were only slightly offset to the S from the intermittent channel. N and E of the portals were stockpiles of soil and equipment from development work. The portals have been sealed, backfilled, and reclaimed. A sinkhole has formed in the bottom of the canyon in the intermittent channel. We could see down about ten feet and could see a roof bolt and a piece of twisted track. Our initial impressions were that the entry had subsided inby the portal seal. The next day, one of the SCC personnel climbed down into the hole. He said that he could not see the coal seam and it appeared that the water coming into the hole was running to the W under the stream channel. Because of this, we were unsure whether or not the water was actually entering the mine. SCC believes that there was a void in the material stockpiled adjacent to the portals and this is what has subsided. In any event, SCC will excavate to the extent of the void to see exactly what is happening. Depending on what is encountered, SCC will backfill the void area if it was just in the stockpiled material or will reseal the entry inby the void and then backfill. If the entry has subsided and the water is entering the mine, SCC will notify MSHA.

NOV 92-32-3-1 cites R645-301-742.113 for erosion on the CRP, Fan Canyon and the access road, and the face of the East Slurry Cell. The CRP had two deep gullies that were in violation. One was from the lowest terrace elevation to the road at the toe of the CRP and the other was on the S side of the third terrace from the bottom. SCC will regrade and control the runoff. The S face of the East Slurry Cell had a number of rills that were in violation and had not been revegetated. SCC will probably regrade, cover the refuse material that the embankment is made from with borrow area material, and revegetate the area. Fan Canyon and the access road had three gullies that were in violation. Two extended down from the substation pad to the access road. These had resulted from a breeched berm. The third was from the access road to the canyon bottom, slightly down the access road from the two mentioned above. We felt the best way to eliminate the problems in this canyon was to reclaim the disturbed area. The portals are sealed and the useable equipment taken off.

NOV 92-32-4-1 cites R645-301-528.323 for coal mine waste fires in both the CRP and the Water Canyon refuse pile. We did not walk around the fires very much or too closely because of the dangers these can create. There is documentation that the CRP has had fire problems as far back as 1976, and OSM issued a TDN for fire in the CRP in February 1991. The fire stretched across the face of the CRP at about the third terrace elevation with smoke also evident above and below this terrace. A plan generated to address MSHA concerns about the fires in 1976, calls for the pile to be covered with two feet of non-combustible material. The Water Canyon refuse pile was on fire in a couple of locations from about the middle of the pile to the east end. This was the first time that the DOGM inspector saw smoke. He had previously only smelled the fire. This fire could be troublesome since refuse material may have been stacked against the mineable coal seam. The abatement measures are to extinguish the fires and eliminate the conditions that create a fire hazard.

NOV 92-32-5-1 cites R645-301-742 and 752. This violation addresses the lack of siltation controls for the Water Canyon refuse piles. The portal area disturbance in this canyon drains to an approved ASCA (a silt fence) but the refuse pile does not have any drainage controls.

I originally wrote a three part TDN to deliver to DOGM-SLC, but Mr. Lowell Braxton requested that I not deliver it to him because he would like DOGM to address the coal waste fires that were included in the TDN. DOGM faxed copies of the last two NOV's referenced above that addressed two parts of the original TDN. When I met Mr. Braxton I indicated that another TDN for slurry impoundment designs may also be issued pending discussions with AFO. As such, a two part TDN is now being issued. The contemporaneous reclamation of the CRP is the outstanding issue from the initial TDN that was not delivered, and the slurry impoundment designs is being issued after my discussions with AFO.

TDN 92-02-370-001 TV2 is issued with this report for; 1 of 2 - Failure to contemporaneously reclaim the coarse refuse pile. This applies from the level of the second terrace (counted from the bottom of the pile up) to the level of the fifth terrace. The NOV cites R645-300-143, R645-301-352, and R645-301-553.252. The CRP has five completed lifts. The sixth is the uppermost and still considered active. For purposes of this report, a lift is the area between terraces, approximately fifty vertical feet. Lift is not used to indicate the two foot compacted fill. The two lower lifts were reclaimed during the pre-law period; though some erosion problems and potential vegetation problems exist. The other three completed lifts are post-law and have not had four feet of non-toxic and non-combustible material put over them. The material to do this will come from borrow pits approved by DOGM. There are both environmental and safety concerns that have arisen largely because the pile has not been covered. Fires have been a problem in the CRP at least since 1976. There is potential for burned-out voids to exist after a sixteen year history of fire, that we know of, in the face of the CRP. A seep below the toe of the CRP has a record of some Fe exceedances and there is a typical orange stain from Fe precipitate. A spring close to this seep but on the other side of the canyon does not have the Fe stain. In-mine analyses show strata with a potential for acid-forming materials and for selenium toxicity. The CRP itself has not been analyzed for acid or toxic-forming materials.

Environmental Power Corporation (EPC) plans to re-mine the refuse pile for their cogeneration plant that is under construction nearby. However, SCC is still using the CRP, it's own permit does not address the cogeneration plant and the effects of the plant on the SCC permitted area, and EPC has not even submitted an application to re-mine the refuse pile yet. Given these circumstances, I told DOGM and SCC that I could not even consider what may or may not occur with EPC.

2 of 2 - Failure to properly design and construct impounding structures constructed of coal mine waste. The TDN cites R645-301-743.100, 746.311, 746.312, and 746.340. The only approved designs that SCC could provide were a geotechnical investigation and compaction studies. There are not any approved designs with regard to containment, spillways, dewatering methods, etc. SCC and DOGM indicated that some of this information, but not all, has been submitted for a permit review that is in progress. This TDN is a combination of a permit defect and performance standards violations.

GENERAL OBSERVATIONS

The operator fixed two problems during the inspection. The first was a silt fence at the old CRT pond location and the other was a silt fence at the Fan Canyon portal area. Both were reestablished.

Water Canyon has been partially reclaimed. The portals and the majority of the highwalls have all been backfilled. SCC is scheduled to go back in there this summer and finish. The remaining walls will be reclaimed and a stream channel reestablished. A tributary drainage to Water Canyon had started eroding through some reclamation and SCC will establish a protected channel through there this summer.

All ponds are inspected and certified quarterly. The CRP is also certified quarterly. The roads are certified.

There were a couple of other conditions that show a potential for being in violation. DOGM should investigate these to determine if they are in compliance or not.

The old road to the CRP was constructed during the pre-law period and is made out of refuse material. The embankments of this road are black and essentially the only vegetation are scarce annuals. I suspect that this material may be acid- or toxic-forming since the only volunteer vegetation after all these years are annuals. Some of this material has washed down onto the undisturbed area.

The approved bond calculations reflect 287 disturbed acres. There are about 310 acres currently disturbed. SCC believed the difference is because the permanent roads are not counted in the bond calculations since they will not have to be reclaimed.

A bond calculation approved by DOGM in 11/89, requires \$2,708,024 in bond. The permit issued on 1/20/91, states that SCC has posted a bond for \$2,639,088. This indicates a shortfall of \$68,936. The permit states that the bond is in the form of a First Deed of Trust for Undisturbed Lands and Water Rights. However, SCC showed me a CD for about \$78,000 that DOGM is listed on. SCC also showed me an assessment for the water rights that showed their value at around \$6,000,000. From the information provided, I could not tell if there was adequate bond posted since the permit states \$2,639,088 is posted, but there are documents that indicate more assets have been devoted to DOGM.

The categories marked as in compliance on the MSEIR are only for those areas observed, not for the entire mine.